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8 Attorney for Defendant,
9 SERGIO ANGEL DIAZ

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
12 (HON. JEFFREY T. MILLER)

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 SERGIO ANGEL DIAZ,

17 Defendant.
18
19

Case No. 08 CR 0611

DECLARATION OF SERGIO
ANGEL DIAZ IN SUPPORT OF
MOTION TO SUPPRESS
STATEMENT

20 I, Sergio Diaz, declare as follows:

21 1. I am a defendant in the above captioned matter. I have personal knowledge of the
22 following facts and if called upon to testify could and would competently and truthfully testify
23 thereto.

24 2. On February 16, 2008 at approximately 8:10 p.m., I approached the border patrol
25 checkpoint on Interstate 8. While stopped, I was contacted by a border agent who questioned me.
26 I was then sent to the secondary inspection unit where I was questioned further about the trailer I was
27 towing and my ability to open the trailer. I informed agents I did not have a key for the lock on the
28 trailer and they could open it by any means necessary.

1 3. I was then placed in handcuffs and placed in a vehicle. I was very nervous to be placed in
2 this unfamiliar situation.


3 4. I was transported to the Calexico, California, Border Patrol Station, where I was placed
4 in a holding cell. I was not offered any food or water during the time I was handcuffed or while I
5 waited in the holding cell.

6 5. It was not until several hours later at 12:37 a.m., that I was taken to a room and questioned
7 by an agent. I felt tired and exhausted at that time of night because I had only had two hours of sleep
8 the night before and had been in the sun all day. I was nervous and even more tired after waiting in
9 the holding cell and felt compelled to answer the questions being asked of me in order to avoid
10 further detention.

11 5. I felt intimidated and confused when I was questioned. The presence of the agents in the
12 office with me and the fact that they were accusing me of a crime caused me to be very confused and
13 intimidated. The fact that all the windows in the room had been covered with cardboard intimidated
14 me because I was in a room where no one could see what was happening to me. Under that pressure,
15 I agreed to answer their questions. I felt pressured, coerced, and manipulated into speaking with the
16 agents and certainly did not do so of my own free will.

17
18 I declare under penalty of perjury that the forgoing is true and correct.

19
20 Executed on this 24th day of March, 2008, at San Diego, California.

21
22 
23 SERGIO ANGEL DIAZ